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except such part of the same as may be used by the defendants, , and it is further found as a fact; ~~XXXXXXXXXXXX~~ that the defendants are entitled to use of the waters of ~~Grand~~ Mill Creek at times when it is flowing into Grand River such Quantity, of water as may be permitted to flow by the dams and canals of the plaintiff and the said warner, into the Grand River. It is intended to be found as a fact that the defendants are entitled to use only such portion of the said waters of the said Mill Creek, as are unused by the plaintiff and the said Warner, and are not entitled to use any part of the flow of the said waters when the same is required by the plaintiff and the said Warner.

As conclusions of law from the foregoing facts, the Court Decides that the Plaintiff and the said Orlando W. Warner are the owners and entitled to the use of all the waters of the said Mill Creek, and are entitled to a decree of this Court establishing their titled thereto, and enjoining and restraining the defendants and each of them from in any manner interfering with the same, or any part thereof , except waters permitted by the said Warner and the plaintiff to flow to waste into Grand River, during Freshets and extreme high water. , seepage and drainage excepted. and for their costs, and judgment is hereby ordered to be entered accordingly.

Decree of Court.

This cause having been brought on regularly to be heard upon the complaint of the plaintiff, no answer thereto having been made, and the Court having made its findings of fact in writing as above set forth, and being fully advised in the premises, Now on motion of D.D. Houtz, the attorney for the plaintiff it is ordered adjudged and decreed, that the plaintiff, and one Orlando W. Warner are the owners and entitled to the use of all of the waters of Mill Cree, in Grand County State of Utah, and entitled to the full free and uninterrupted use thereof, and that the defendants have no right title or interest in or to the said waters except as hereinafter stated, and they and each of them are hereby perpetually enjoined, restrained and forbidden to in any manner interfere with the